

REMARKS

Claims 13-15 and 23 stand provisionally rejected on the ground of nonstatutory obviousness-type double-patenting as unpatentable over claims 16-19 of copending U.S. Patent Application 10/655,606. Claims 1-5, 9-19, 23-26, 28, 29 and 31-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,932,050 ("Davidson") in view of U.S. Patent No. 6,320,534 ("Goss"). Claims 6-8 and 20-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Davidson in view of Goss, and further in view of U.S. Patent No. 6,389,117 ("Gross"). Claims 27, 30 and 34-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Davidson in view of Goss, and further in view of U.S. Patent No. 5,603,054 ("Theimer").

Claim 35 has been amended to correct the typographical informalities. Applicants respectfully traverse each remaining rejection.

Nonstatutory Obviousness-type Double-patenting

Applicants respectfully submit that claims 13-15 and 23 are patentable over claims 16-19 of copending U.S. Patent Application 10/655,606. The Office Action states that the conflicting claims are not identical, but are not patentably distinct from each other. *Office Action*, p. 2. In support of this assertion, the Office Action quotes claim 23 of the present application beside claim 16 of Application No. 10/655,606. *Id.* The language of the two cited claims reflect different claim scopes. For example, independent claim 23 of the present application recites a proximity sensor wherein "the proximity sensor is a charging cradle, the charging cradle configured to provide energy to a battery within the mobile device when the mobile device is positioned in the cradle." Claim 16-19 of Application No. 10/655,606 has no such feature. Likewise, independent claim 13 of the present application recites a "data record further including an ordered list of addresses of the subscriber, the ordered list of addresses reordered based on the changed proximity zone field." Claims 16-19 of Application No. 10/655,606 have no such feature. Claims 23 and 13 of the present application are patentably distinct from claims 16-19 of the '606 Application because claims 23 and 13 include features not found in claims 16-19 of Application No. 10/655,606. Claims 14 and 15 of the present

application depend from claim 13, and are therefore also patentably distinct from claims 16-19 of Application No. 10/655,606. Reconsideration of the rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

The Office Action asserts that the combination of Davidson and Goss discloses each feature of independent claims 1, 13 and 23. Applicants respectfully disagree.

Claim 1 recites "sorting a list of a plurality of addresses identifying communication devices of the subscriber based on the location data." Neither Davidson nor Goss, either alone or in combination, discloses or suggests this feature. Davidson discloses a switching system using proximity status information. *Davidson*, column 1, lines 65-67. However, Davidson does not disclose or suggest sorting a list of a plurality of addresses identifying communication devices of a subscriber based on location data as recited in claim 1. In fact, Davidson suggests a static order of forwarding calls that is not suggested to be later sorted based on location data. *See e.g., Davidson*, Figure 9, and column 10, lines 15-54.

Goss discloses determining a location-based personal telephone routing system responsive to a subscriber's location for routing incoming calls to a telephone near the subscriber. *Goss*, Abstract. However, Goss also does not disclose or suggest sorting a list of a plurality of addresses identifying communication devices of a subscriber based on location data as recited in claim 1. Goss fails to suggest an ordering to a list of telephone numbers associated with a subscriber. Rather, the telephone numbers of Goss appear to be merely associated with locations. *See e.g., Goss*, column 2, lines 40-45.

Since the combination of Davidson and Goss does not disclose or suggest each feature of claim 1, no prima facie case of obviousness is established regarding claim 1. Claim 1 is therefore allowable.

Claim 13 recites a "data record further including an ordered list of addresses of the subscriber, the ordered list of addresses reordered based on the changed proximity zone field." Neither Davidson nor Goss, either alone or in combination, discloses or

suggests this feature. Davidson discloses a switching system using proximity status information. *Davidson*, column 1, lines 65-67. However, Davidson does not disclose or suggest a data record including an ordered list of addresses of the subscriber, the ordered list of addresses reordered based on the changed proximity zone field as recited in claim 13. In contrast, Davidson suggests a static order of forwarding calls that is not suggested to be later reordered based on changed proximity zone data. See e.g., *Davidson*, Figure 9, and column 10, lines 15-54

Goss discloses determining a location-based personal telephone routing system responsive to a subscriber's location for routing incoming calls to a telephone near the subscriber. *Goss*, Abstract. The telephone numbers of Goss appear to be merely associated with locations. See e.g., *Goss*, column 2, lines 40-45. Goss does not disclose or suggest a data record including an ordered list of addresses of the subscriber, where the ordered list of addresses is reordered based on the changed proximity zone field, as recited in claim 13.

Since the combination of Davidson and Goss does not disclose or suggest each feature of claim 13, no prima facie case of obviousness is established regarding claim 13. Claim 13 is therefore allowable.

Claim 23 recites "wherein the proximity sensor is a charging cradle, the charging cradle configured to provide energy to a battery within the mobile device when the mobile device is positioned in the cradle." Regarding this feature of claim 23, the Office Action states that the proximity sensor (of the asserted combination of Davidson and Goss) is a "small device designed for integration into another device, which obviously could be a charging cradle." Applicants respectfully disagree. Neither Davidson nor Goss disclose or suggest a charging cradle that is a proximity sensor. The bare assertion provided in the Office Action that a small device could "obviously be a charging cradle" is not sufficient to support a prima facie case of obviousness. Since no case of prima facie obviousness is established, claim 23 is allowable.

Since the combination of Davidson and Goss does not disclose or suggest each feature of claims 1, 13, and 23, the Office Action fails to establish a prima facie case of

obviousness with regard to these claims. Claims 1, 13, and 23 are therefore allowable. Claims 2-12, 14-22, 24-36 and 42 each depend from claim 1, 13 or 23. Therefore, claims 2-12, 14-22, 24-36 and 42 are also allowable. Applicants respectfully request reconsideration and withdrawal of each rejection.

Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon cited references, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. Applicants' failure to challenge any cited reference as prior art should not be construed as an admission by Applicants that the unchallenged reference does constitute prior art.

Conclusion

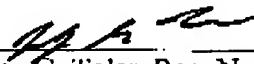
Applicants have pointed out specific features of the claims not disclosed, suggested or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the claims now pending.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

6-8-2006
Date


Jeffrey G. Toler, Reg. No. 38,342
Attorney for Applicant(s)
TOLER SCHAFFER, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone)
(512) 327-5575 (fax)